

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**UNITED STATES ex rel.  
MARK ELLIOTT,**

**Plaintiff/Relator,**

**v.**

**THE BRICKMAN GROUP, LTD.,  
LLC,**

**Defendant.**

**: Case No. 1:10-cv-00392  
:  
: Judge: Michael R. Barrett  
:  
:**

**: AGREED ENTRY OF DISMISSAL  
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The parties hereby agree and stipulate that all claims asserted in the Amended Qui Tam Complaint ("Amended Complaint") filed in the above-referenced action shall be dismissed, including, but not limited to, those claims relating to the the False Claims Act, 31 U.S.C. §§ 3729 *et seq.*, as asserted by Relator-Plaintiff Mark Elliott ("Relator") on behalf of the United States of America.

Specifically, the Relator and the Defendant agree that the claims asserted pursuant to the False Claims Act, 31 U.S.C. §§ 3729 *et seq.* in Count One of the Amended Complaint are without merit and should be dismissed with prejudice as to re-filing. The United States reserves the right to pursue all claims set forth in the Amended Complaint arising under the False Claims Act and this Dismissal shall be without prejudice as it relates to the United States of America.

With respect to Count Two of the Amended Complaint, Relator hereby dismisses all claims set forth therein with prejudice pursuant to the terms of settlement separately agreed to by

the parties.

/s/Steven P. Goodin

Steven P. Goodin (0071713)

*Attorney for Defendant*

*The Brickman Group, LTD., LLC*

Graydon Head & Ritchey LLP

511 Walnut St., Suite 1900

Cincinnati, OH 45202

Phone: 513-629-2845

Fax: 513-651-3836

Email: sgoodin@graydon.com

/s/Eric C. Deters

Eric C. Deters (0038050)

*Attorney for Plaintiff-Relator Mark Elliott*

5247 Madison Pike

Independence, KY 41051-7941

Phone: 849-363-1900

Fax: 859-363-1444

Email: edeters@edeters.com

/s/Donetta Wiethe

Donetta Wiethe

*Attorney for The United States of America*

The United States Attorney's Office

Southern District of Ohio

Attorney, Civil Division

United States Department of Justice

303 Marconi Boulevard, Suite 200

Columbus, Ohio 43215

Email: Donnetta.Wiethe@usdoj.gov

  
Judge Michael R. Barrett